[Mr. Puthupalli S. Krishna Pillai.]

Perungala, had to be added to some court. The Perungala pakuthy belonging to the Mavelikara taluk had to be added to the Mavelikara Court. The question as to what should be done with the Krishnapuram pakuthy had to be considered. Krishnapuram is the biggest pakuthy in the Karunagapalli taluk abjoining Mavelikara

MR. P. NARAYANA PILLAI ; What is the file in the Mavelikara Munsiff's Court at present?

MR. PUTHUPALLI S. KRISHNA PILLAI: I shall supply the latest figures. Sir, it was found necessary to allocate Krishnapuram pakuthy to some court. It is really a fact that if the Krishnapuram pakuthy is added on to the Karunagapally Munsiff's Court it would mean heavy accumulation of work there. And Krishnapuram is nearer to Mavelikara than Karunagapalli. Therefore it was decided that the Mavelikara Munsiff's Court should get two of the biggest pakuthies one of them forming part of the taluk and the other adjoining it. So they were added on to the Mavelikara Munsiff's Court. Thus we find that when the Krishnapuram Munsiff's Court was abolished two more pakuthies were added on to the Mavelikara Munsiff's Court. Out of the 13 pakuthies which comprised the jurisdiction of the Mavelikara Munsiff's Court, as a result of these territorial readjustments some pakuthies had necessarily to be transferred to some other courts as I have mentioned. Otherwise work in that court would become too heavy to be handled by one court. Government were left without any choice in that matter. When the question came as to which of the pakuthies should be transferred to some other court, the choice naturally fell on the three pakuthies referred to by the honourable member, *viz.*, Tamarakulam, Noornad and Veliampuram.

MR. P. NARAYANA PILLAI: May I know the distance of the Veliampuram pakuthy from the Adoor Munsiff's Court?

MR. PUTHUPALLI S. KRISHNA PILLAI: It would not be more than 11 miles.

MR. P NARAYANA PILLAI: May I know the distance of Veliampuram from Mavelikara?

MR. PUTHUPALLI S. KRISHHA PILLAI: More or less the same. But some portion of it is nearer Mavelikara than Adoor. We cannot partition one pakuthy and give one part to Mavelikara and allot the remaining portion to Adoor. That will create practical difficulties in effecting service of processes and in the execution of decrees. As a matter of fact villages are taken as units. In this distribution we are maintaining the unity of these villages. Therefore, it was decided, Sir, that these 3 pakuthies should be transferred to the Adoor Court. I may also inform the House that the Government did not however arrive at this decision haphazardly. An experienced High Court Judge was appointed specially to go into the question. He went over to the places, studied the pendency of litigation in these courts, examined the number of cases coming from each of these pakuthies and then made, after careful consideration of these conveniences or inconveniences, that would arise if re-distribution was effected, his recommendations to the Government.

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MR. P. NARAYANA PILLAI : May I know whether there was any idea of establishing a District Court at Mavelikara then?

MR. PUTHUPALLI S. KRISHNA PILLAI : As regards the establishment of a District Court at Mavelikara the present arrangement does not cause any inconvenience to the litigant public. Until that was established at Mavelikara, litigants from all the three pakuthies referred to by my honourable friend had to go to the Quilon District Court. The position has not in any way been worsened by the present arrangement. They could even to-day carry on their cases engaging their old vakils, mess in the hotels where they had been formerly messing in Quilon and feel more homely with the surroundings that are familiar to them. Therefore the taking away of these 3 pakuthies from the jurisdiction of the Mavelikara Munsiff's Court has not caused any inconvenience to the litigant public in those pakuthies.

MR. M. R. NARAYANA PILLAI : May I know the inclusion of these pakuthies in the jurisdiction of the Mavelikara Munsiff's Court will not improve matters?

MR. PUTHUPALLI S. KRISHNA PILLAI : No, Sir. It will not be to the improvement or betterment or advantage of the litigant public to get a court where there will be congestion of work.

Where there will not be congestion of work there will be quick disposal of cases. What a client will manage with six trips to Mavelikara, he can manage with one or two trips to Quilon. Therefore it will only be to the advantage of the litigant public if they are not compelled to have recourse to courts which are likely to be overcrowded.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know whether the honourable member is aware that many of those Vakils have discontinued their practice in the District Court of Quilon and have gone to Mavelikara ?

MR. PUTHUPALLI S. KRISHNA PILLAI : It is hoped that many are seeking better environments and have left for Mavelikara. Still some have remained. Quilon has not been deserted altogether. That only forms part of my argument, Sir. What I have been pointing out is this. Sir, that so far as the appeal side is concerned, the litigants of these three pakuthies are not in any way adversely affected. So far as the Munsiff's Court work is concerned, it is certainly to their advantage that they are given a court where work will be lighter and which is not in any way far away from their place. The matter may be reconsidered if at any time the work in the Mavelikara Munsiff's Court becomes lighter or if the High Court are satisfied that it will be more advantageous. The question may then be re-opened and resettled. But as matters now stand, Sir, it is not possible.

The honourable member asked me about the pendency in the Mavelikara Munsiff's Court. Owing to the operation of the provisions of the Debt Relief Act, there has been phenominal fall in the number of cases in all the courts in the State. Either on account of that or on account of the economic depression there has been a fall and the present pendency is 1000 cases in the Mavelikara Munsiff's Court.

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MR. K. KUNJU PANICKAR: May I know the number of cases in the pendency list at Adoor?

MR. PUTHUPALLI S. KRISHNA PILLAI: Even at the time the Law's Delays Commissioner was making investigation the work there was very very light, and territorial re-adjustments were being made from time to time. I have not got the exact figures regarding the number of cases in that court at present, but there is no indication that the number is likely to be very heavy. At any rate it is smaller than the number in the Mavelikara Court.

MR. P. NARAYANA PILLAI: Sir, the reply of the Legal Remembrancer is not rather satisfactory but in the hope that Government will do something in the matter, I do not press the motion.

The motion was, by leave, withdrawn.

Motion No. 2.

The following motion was not moved:

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN:

2. To reduce the allotment of Rs. 1,76,733 for High Court by Re 1.

Motion No. 3.

MR. P. V. MATHAI CHEMPARATHY: Sir, I move

To reduce the allotment of Rs. 93,042 for High Court by Re. 1

To point out that there is a tendency on the part of the presiding officers in the lower courts in their anxiety to show more disposals in view of the circular regarding speedy disposal, to dispose of cases without taking all the evidence or allowing reasonable time to let in evidence. Sir, I intend by my observations just to bring to the notice of Government that on account of the circular there is a tendency to show more disposal of cases at the sacrifice of the quality. I think that the real spirit of the circular is that Government want that a judicial officer must do honest work, that he must do at least the minimum work for getting promotion and also for getting increment in pay. That I can understand and it must be so. But the fact that we notice in the lower courts is just the reverse. In criminal complaints the Magistrates, in order to show that there is less pendency of cases, take the statement of the complainants and immediately dismiss the complaints under section 181 of the Criminal Procedure Code. I am afraid that if such a tendency is not checked, the ends of justice will be defeated. With these observations I bring this fact to the notice of Government; and it is for this purpose that I have tabled this motion.

MR. N. NARAYANA KURUP: Sir, I too wish to support this motion. Sir, I think that it is very difficult to make a compromise between quality and quantity of work in the administration of Civil and Criminal Justice. The issue of this circular often makes the subordinate judicial courts or the criminal courts to take it into their head to give no time whatsoever for taking steps or allowing applications for time

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owing to the difficulty of the client to get sufficient money for taking steps or for payment to the advocate. Disregarding such difficulties, especially in these hard times, many judicial officers may dispose off the cases in their anxiety to show greater number of disposals for getting promotions or even rewards. Therefore my submission also is that the enforcement of this circular will hamper the administration of justice.

MR. A. K. KUMARAN VAIDYAN: സർ, ഞാൻ ഈ ഉപക്ഷേപത്തെ എതിർക്കുന്നു. തിരുവിതാംകൂറിലെ കോടതികളിൽ സാധാരണയായി ഒരു കേസ് ഫയൽ ചെയ്യുകയാണെങ്കിൽ പത്തും പതിനഞ്ചും കൊല്ലത്തിൽ കൂടുതൽ നീട്ടുക ഒരു പതിവാണ്. ഇപ്പോഴത്തെ ഈ സർക്കുലർ കേസ് ഫയൽ ചെയ്യുന്ന കക്ഷികൾക്കു വളരെ അനുഗ്രഹമായിട്ടുള്ളതാകുന്നു. കേസുകൾ നീട്ടിക്കൊണ്ടുപോകുന്നതുകൊണ്ട് വാദിക്കും പ്രതിക്കും ദോഷമല്ലാതെ യാതൊരു ഗുണവും സിദ്ധിക്കുകയില്ല. വാദിയുടെയും പ്രതിയുടെയും ഗുണത്തിനുവേണ്ടി പുറപ്പെടുവിച്ചിരിക്കുന്ന സർക്കുലർ അനുസരിച്ച് വേണ്ട തെളിവുകൾ എടുത്തിട്ടാണ് കേസുകൾ തീരുമാനിക്കുന്നത്. നമ്മുടെ ന്യായരാജ്യമായ കൊച്ചിയിൽ രണ്ടോ മൂന്നോ കൊല്ലത്തിൽകൂടുതൽ കേസുകൾ തീർച്ചചെയ്യാതെ കോടതിയിൽ കിടക്കുന്നില്ല. കേസുകൾ നീട്ടിക്കൊണ്ടുപോകുന്നതു പൊതുജനങ്ങൾക്കു വളരെ വിഷമമുള്ള ഒരു കാര്യമാണ്. അതുകൊണ്ടാണു ഞാൻ ഈ ഉപക്ഷേപത്തെ എതിർക്കുന്നതു. എന്റെ സ്വന്ത അനുഭവം പറയുകയാണെങ്കിൽ ഇരുപതും ഇരുപത്തഞ്ചും കൊല്ലത്തെ പഴക്കമുള്ള കേസുകൾ ഇന്നും ചില കോടതികളിൽ കിടപ്പുണ്ട്. അവയിൽ ചിലതു ഞാൻതന്നെ ഫയൽ ചെയ്തതുമാണ്.

MR. P. KUNJUKRISHNAN: ഏ ൭ കൊല്ലത്തെ പഴക്കമുള്ള കേസുകളിരിക്കുന്ന കോടതികൾ ഏതാണ്?

MR. A. K. KUMARAN VAIDYAN: പറവൂർ ജില്ലാക്കോടതിയിൽ വ്യ ഫ-ലും വ്യ ഫ-ലും ൻ ൦-ലും ഉള്ള കേസുകൾ താഴ്ത്തകാലത്താണു തീരുമാനിച്ചതു്.

MR. KANNANTHODATH JANARDANAN NAIR: ഫ ൦ ൻ-ൽ കോട്ടയം ജില്ലാക്കോടതിയിൽ നടന്ന ഒരു കേസ് ഫ ഫ ഫന്യ-ൽ അതേ കോടതിയിൽതന്നെ വിധിനടത്താൻ വന്നിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

MR. A. K. KUMARAN VAIDYAN: അങ്ങിനെ കേട്ടിട്ടുണ്ട്.

MR. M. R. NARAYANA PILLAI: ഫ ൦ ൻ-ൽ കോട്ടയം ജില്ലാക്കോടതി ഉണ്ടായിരുന്നോ?

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MR. A. K. KUMARAN VAIDYAN: എനിക്കറിഞ്ഞുകൂടാ. അത് ഞാൻ ജനിക്കുന്നതിന് മുമ്പുള്ള കാര്യമാണ്.

MR. KOTTALIL P. ABRAHAM: പറവൂർ ജില്ലാക്കോടതിയിൽ കിടക്കുന്ന പഴയകേസുകൾ വിസ്താരഭാഗത്തോ വിധിനടത്തുഭാഗത്തോ കിടക്കുന്നത്?

MR. A. K. KUMARAN VAIDYAN: വിസ്താരഭാഗത്താണ്. സ്വർണ്ണത്തു മറ്റുള്ളവരുടെ കേസുകളാണ് അധികവും എന്നാണ് അറിവു. കേസു നീട്ടിക്കൊണ്ടുപോകുന്നതുകൊണ്ട് വക്കീലന്മാർക്ക് ആദായം ഉണ്ടായിരിക്കാം. അതുകൊണ്ടാണ് ഇവിടെ മെമ്പറന്മാരായിരിക്കുന്ന വക്കീലന്മാർ എന്റെ വാദത്തിന്റെ ശക്തി മനസ്സിലാക്കാത്തത്. ഈ വിഷയത്തിൽ ഗവണ്മെന്റു ശ്രദ്ധിച്ച് കേസുകൾ മൂന്നോ നാലോ കൊല്ലത്തിനകം തീർക്കത്തക്കവണ്ണം വേണ്ട വ്യവസ്ഥകൾ ചെയ്യണമെന്നുള്ള എന്റെ അഭിപ്രായം രേഖപ്പെടുത്തിക്കൊണ്ട് ഞാൻ ഉപക്ഷേപത്തെ ശക്തിയായി എതിർക്കുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the motion. The honourable members of this House have been complaining year after year during the Budget Session that the delay in our courts is inordinate and have often pressed that something drastic must be done to effect an improvement in it. It has often been stated here that justice delayed is justice denied, that, even though the number of courts was being increased from time to time, the officers appointed for the purpose have not been able to prevent accumulation of arrears. It was being complained here, Sir, that owing to the delayed disposal of cases on the original and the execution side, it was not possible for decree holders to reap the fruits of their decree and that we were in a state of hopelessness. It is also a notorious fact, Sir, that the delay in Travancore courts has become an object of criticism not only in Travancore but outside Travancore and that the delay hampers to a very great extent the commercial activities in the State. The honourable member Mr. Janardanan Nair, during the course of the Budget debate, pointed out vehemently how much he deprecated the present delay in courts and advocated that anything that lies in the power of Government must be resorted to for the purpose of speeding up the disposal of cases. It is no doubt possible in the case of some judicial officers who have not got a conscience or who do not feel the responsibility as much as they ought to do, that efficiency is sacrificed for speed. It is possible I admit. But every care is being taken by the High Court for getting the work done in the most efficient manner but with the utmost expedition also.

MR. KANNANTHODATH JANARDANAN NAIR: May I know whether the member is aware that the Second Bench at Quilon has only 20 or 21 cases this year and the Judge is adopting this trick to justify an increment?

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MR. PUTHUPALLI S. KRISHNA PILLAI: Some officers are in a position to deal effectively with pending cases and where officers are deputed for clearing arrears they apply themselves to that work and they are able to dispose of cases more quickly. It is improper to attribute motives to a judge who does what he is expected to do. There is however one redeeming feature about the present complaint. It assures us that there is more speedy disposal. To that extent it is heartening. There are two parties to every litigation. If one party is anxious for getting a decision, the other party is equally anxious to put off the evil day, the day of judgment. It is therefore not unnatural to hear complaints from the other party when his adversary gets satisfaction.

Both sides cannot be satisfied at the same time. There should be speedy disposal so that people may enjoy the benefit derived from the proper administration of justice. At present steps are being taken to check all tactics which contribute to delay, and the judicial officers have begun to understand the full meaning of the oft-quoted expression "justice delayed is justice denied."

MR. K. KUNJU PANICKAR: May I know whether there is any time-limit for criminal cases and civil cases?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir. It is not possible to prescribe any time-limit. It is well-known to members of the legal profession that there are certain cases in which one party or the other is interested in protracting the litigation. It is not possible to have a joint effort on the part of both the plaintiff and the defendant. But a one-sided effort, which, if the judicial officers are indolent they may well fall a victim to, is not enough. Government will certainly deprecate such conduct on the part of the court. The court must dispose of all cases speedily. They are given full discretion in giving their judgments and if they arrive at any wrong decisions such decisions are liable to be appealed against. As in the good old days, cases are remanded even to-day. It is only in accordance with the wishes of the honourable members of the House that the present action has been taken for the prevention of accumulation of arrears. I am sure this House will certainly appreciate the speeding up programme of the High Court and the Government.

MR. K. KUNJU PANICKAR: May I know whether Government have prescribed a time-limit of three months for criminal cases and six months for civil cases, and that if that time-limit is exceeded the position will be considered by the High Court and the Government?

MR. PUTHUPALLI S. KRISHNA PILLAI: In criminal cases which come before the Magistracy, it will be found that sometimes complaints are referred for the purpose of merely causing vexation to the accused, complaints which are not likely to be substantiated. Why should a criminal case be pending for more than 3 months? When a complaint is made immediately process is issued to the witnesses. Is it not the duty of the complainant to see that the witnesses are examined as speedily as possible? I think a period of 90 days is a reasonable one particularly in summons cases.

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MR. KOTTALIL P. ABRAHAM: Is there any time-limit for civil cases?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir.

MR. K. KUNJU PANICKAR: May I know whether our respectable witnesses go at the bidding of the parties?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir, if the bidder is himself a respectable man. The court will see that the processes are properly served and that the witnesses are taken to the court. There should be no delay whatsoever so far as the issue of processes is concerned. Our respectable witnesses should not be allowed to go away from court without being examined. Why should the accused be allowed to roam free if he is guilty or to hang on the court if he is innocent. That is all the more reason why there should be more speedy disposal of criminal cases.

MR. P. KUNJUKRISHNAN: May I know whether efficiency is being kept up when speed is insisted upon?

MR. PUTHUPALLI S. KRISHNA PILLAI: Certainly, Sir. On the other hand, efficiency is taken into consideration in fixing the time-limit.

PRESIDENT: The policy of Government may as well be stated. Government are very reluctant to interfere with or give the appearance of interfering with the administration of justice and it is not the object of Government to usurp the jurisdiction which would naturally appertain to the High Court in this matter. Normally speaking, neither this House nor the Executive Government should have had anything to do with the discussion of a matter of this kind. If matters were in a normal position Government would not dream of trying to fix what is the quantum of work that any judicial officer has done or is capable of doing or discussing whether he examines the witnesses and with speed or whether there is any dilatory procedure adopted. They would have left all this to the High Court. That, as a matter of fact, if the High Court were so disposed and set about the business properly this mischief could have been averted and prevented, goes without saying and I say it with great respect to our High Court.

That the evils of corruption and delay can be dealt with effectively by the High Court was proved by one Chief Justice, Sir Douglas Young, of the Punjab High Court. The trouble with regard to the Punjab was perhaps even greater, more ramified and more deep-seated than Travancore. It was a matter of notoriety and complaint that there was considerable corruption and delay in the subordinate courts of the Punjab. Sir Douglas Young came on to the Chief Justiceship, and within three years the change was marvellous. It is possible for lawyers studying a judgment with some little care to find out whether the judgment proceeds on evidence or bears intrinsic marks of having been improperly procured. Where there is on the face of a judgment marks that it is not alright, Sir Douglas Young made his own enquiries and took stern measures whenever necessary.

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The position in this State has been that practically every plaintiff felt that for years processes would not be served. When witnesses went into the box they were not sure when they would be relieved, in one day or even one month. No witness was sure when he would be examined or when the next examination would be. And also, after judgments in the original court and in appeals there were constant review petitions and reviews and generally speaking all methods of procrastination were being successfully resorted to Things were so bad that it came to the knowledge of Government that people outside Travancore were nervous of filing any suit in Travancore. That is why, with the utmost reluctance, Government came to the conclusion that the evil was so widespread that Government had no alternative but to step in. In other words what should have been avoided, namely, the interference by the executive with the working of the courts was practically forced upon Government.

What Government is endeavouring to do is this : when it is found that in a particular court or with reference to a particular Judge there has been great delays Government will see to it that unless very satisfactory explanations are forthcoming, that Judge will not receive any promotion or preference. Honourable members will see for themselves that this principle will be exercised without regard to persons. Even if it comes to overlooking six or seven persons and choosing the 8th or 9th officer in order of seniority, that principle will be enforced. Not only so. An evil of a different type may spring up. One Judge I know of used to dismiss a case on a preliminary point like limitation mainly because the file could thereby be lightened. Such steps when wilful and justified should meet with the same penalties as the actual bad or dilatory handling of cases. Government are very keenly watching this matter. Government are, as already stated, very reluctant to interfere in this matter. The moment normal conditions are established, Government will cease to interfere. But the evil is now so pronounced and so great that Government will have to ensure that expedition is procured. I am perhaps putting the matter paradoxically but really it does not so much matter how a case is decided. What matters is that the case is decided ; perhaps even more. Judges will bear in mind that if they go wrong there is the High Court. Expeditious justice is an essential feature of good government and Travancore deserves and must have it. Now, as I said, it should not be the right procedure for this House to debate such matters. This House ought to repose the utmost confidence in the judiciary. If a Judge takes time to decide over a matter, the normal presumption is that the problems that arise demand the utmost patient scrutiny and examination of the fundamentals, either of fact or of law, in regard to that case. Bearing this in mind, it ought not to be the province of the Legislature to interfere with or scrutinise minutely the judgments of court. It ought not to be and I hope it will soon cease to be the province of Government to criticise either the judiciary or the manner of

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[President.]

disposal by the judiciary or the content of judgment of the judiciary. But the times are such, the crisis is such, I deliberately use the word 'crisis', that Government have to adopt a different method. Honourable members may take it that Government would take action not to influence the courts of justice but in order to see that the reproach, which is widely prevalent that in Travancore it is impossible to obtain a decree, that even if it is possible to obtain a decree it is impossible to execute it, is wiped out in civil cases.

In criminal cases I see that witnesses are put to a great deal of trouble on account of constant procrastination and constant adjournments. Very stringent measures have been taken in the past and honourable members will see that Government have no hesitation in taking very strong measures against Magistrates who are callous to the demands not only of justice but to those fundamental principles without wich criminal justice would be futile. Criminal justice should be speedy ; criminal justice should be stern; but be tempered with mercy. But above all, criminal courts should not inconvenience persons or make people think that they could be kept in suspense for indefinite periods. Honourable members will therefore see that the task which the Government have taken is very unenviable. It is very embarrassing and difficult too. But it is hoped that the evils which have been referred to will soon cease to exist.

MR. P. V. MATHAI CHEMPARATHY : Sir, I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Motion No. 4.

MR. K. KUNJU PANICKAR : Sir, I move—

To reduce the allotment of Rs. 93,042 for High Court by Re. 1.

My object is to discuss about the necessity of having at least one Judge in the High Court from the Ezhava Community judging the importance of it.

MR. PUTHUPALLI S. KRISHNA PILLAI : I think that motion is not in order:

PRESIDENT : Appointments to the Judiciary of the High Court are the prerogative of His Highness. Therefore the motion is inadmissible.

Motions Nos. 5 to 17.

The following motions were not moved :

MR. S. NARAYANA PILLAI :

5. To reduce the allotment of Rs. 93,043 for High Court by Re. 1

MR. A. K. KUMARAN VAIDYAN :

6. To reduce the allotment of Rs. 18,236 for Second Judges by Re. 1

MR. P. NARAYANA PILLAI :

7. To reduce the allotment of Rs. 17,975 for Temporary Second Judges by Re. 1

MR. A. K. KUMARAN VAIDYAN :

8. To reduce the allotment of Rs. 1,18,653 for Munsiffs by Re. 1

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. K. KUMARAN VAIDYAN:
9. To reduce the allotment of Rs. 1,53,653 for Munsiffs by Re. 1

MR. P. NARAYANA PILLAI:
10. To reduce the allotment of Rs. 1,23,653 for Munsiffs by Re. 1

MR. K. KUNJU PANICKAR:
11. To reduce the allotment of Rs. 3,200 for travelling allowances by Re. 1

MR. K. KUNJU PANICKAR:
12. To reduce the allotment of Rs 7,50,856 for Civil and Sessions Courts by Re. 1.

MR. K. NARAYANAPERUMAL NADAR:
13. To reduce the allotment of Rs. 7,50,856 for Civil and Sessions Court by Re. 1

MR. VARKALA K. MADHAVAN:
14. To reduce the allotment of Rs. 25,520 for Magistrates by Re 1.

MR. P. V. MATHAI CHEMPARATHY:
15. To reduce the allotment of Rs. 1,01,824 for Criminal Courts by Re. 1.

MR. K. KUNJU PANICKAR:
16. To reduce the allotment of Rs. 83,782 for Law Officers by Re. 1.

MR. K. NARAYANAPERUMAL NADAR:
17. To reduce the allotment of Rs. 83,782 for Law Officers by Re. 1.

Motion No. 18.

MR. P. V. MATHAI CHEMPARATHY: Sir, I move;

To reduce the total allotment of Rs. 10,55,073 *under Demand XIV by Re. 1.*

My object is to discuss the desirability of shifting the Parur District Court to Muvattupuzha. All the members of this House are aware that this District Court is now in the north-western corner of Travancore. My object is that this District Court must be in a central place of the jurisdiction of the District. In this connection I may suggest that Muvattupuzha is a suitable place. People from Muvattupuzha find it very difficult in times of flood to go to Parur. It is a far off place so far as Muvattupuzha is concerned. Further it is also cut off from the rest of Travancore during times of flood.

MR. M. R. NARAYANA PILLAI: Is there not a bridge at Alwaye to connect Parur with the rest of Travancore?

MR. P. V. MATHAI CHEMPARATHY: I do not think it is possible to have a bridge constructed to get over the difficulty when the portions of the road are under water. There must be at least one important factor to establish a District Court in one place and in my view that there is none with regard to Parur. I am sure this proposal will be opposed by Mr. Kumaran Vaidyan vehemently because during the course of the discussion in regard to shifting the Quilon Division Cutcherry to Mavelikara, he expressed his views on this point. So I can very well say that he will be opposing this motion also. He may say that there is a big building at Parur and for that my answer is that public offices that are housed in rented buildings may be shifted over there. Even then, I fear that all the offices that are now in the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. V. Mathai Chemparathy.]

rented buildings could not be accommodated in the District Court building. Therefore there is no difficulty on that matter.

Muvattupuzha is a central place and is convenient for all people. There is also good river water whereas there is no good water at Parur. It has been often said that good drinking water must be made available at Parur. I hope that Government will seriously consider the shifting of the Parur District Court to Muvattupuzha. With these observation I move the motion for the acceptance of this house.

MR. KOTTALIL P. ABRAHAM: Sir, I beg to support the motion exactly as it is, without any qualification whatever. The motion relates to the desirability of shifting the Parur District Court to Muvattupuzha which is a central place within the jurisdiction of the Parur District itself. The mover anticipated that Mr. Kumaran Vaidyan might object to this proposition very strongly. I can well appreciate his point of opposition.

MR. K. R. NARAYANAN: കുമാരൻ വൈദ്യൻമാത്രമെ ഈ ഉപക്ഷേപത്തെ എതിർക്കു എന്നാണോ മെമ്പർക്കുള്ള അഭിപ്രായം?

MR. KOTTLIL P. ABRAHAM: I did not say that he is the only member who would oppose the motion. He being a member of that Parur constituency, I thought that his local patriotism might move him to raise the objection. He may say that there is in Parur a very costly and substantial building suitable for housing the District Court and that no proper building is available in Muvattupuzha. To shift the Court all on a sudden to Muvattupuzha may not be an agreeable proposal. But I want to point out that the shifting is urged because it is a convenient centre for a District Court. The other parts of Travancore are cut off from Parur during the rainy season. With the construction of Marthandavarma Bridge, Parur has been sufficiently connected with the rest of the other parts of Travancore. I have to state that most of the clients who appear before the District Court of Parur come from Thodupuzha, Devicolam, Muvattupuzha and other places. The Munsiffs Courts from which appeals lie to the Parur District Court are those in Parur, Perumbavoor, Muvattupuzha, Thodupuzha and Devicolam. Of these places, Muvattupuzha occupies the Central position. It may also be urged that in these days of easy means of communication, the District Court of Parur is easily accessable from all the places referred to by me. The same can be said in reply when the court is located at Muvattupuzha. It will also be convenient for the people of Parur to come to Muvattupuzha because of the easy communication now available. So from the point of view of communication no objection can stand against the proposal to shift the District Court to Muvattupuzha. For these reasons I have great pleasure to support the proposition, namely, of the shifting of the District Court to Muvattupuzha and Muvattupuzha only. I do not support any idea of shifting the District Court from Parur for locating it at Alwaye, Perumbavoor or any other place within the jurisdiction of the Parur District except Muvattupuzha. With these words I support the motion.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. K. KUMARAN VAIDYAN : ഞാൻ ഈ ഉപക്ഷേപത്തെ എതിക്കേണ്ടിവന്നതിൽ വ്യസനിക്കുന്നു. ഓരോ സ്ഥലത്തിന്റെയും മദ്ധ്യപ്രദേശത്തു് കച്ചേരികൾ സ്ഥാപിക്കേണ്ടതു് അത്യാവശ്യമാണു്. പറവൂർ ഡിസ്ട്രിക്ട് കോടതി അവിടെനിന്നും മാറിയാൽ ഈ സാമ്പത്തികാധഃപതനകാലത്തു് ഗവണ്മെൻറിനുണ്ടാകാവുന്ന പണച്ചെലവിനെ കരുതി മാത്രം ഞാൻ എതിക്കുകയാണു്. മൂവാറ്റുപുഴ, തൊടുപുഴ ദേവികുളം എന്നീ താലൂക്കുകളിൽനിന്നും, അതുകൊണ്ടു് ഇരുനൂറിൽ ചിലപ്പോൾ കേസുകൾ പറവൂർ ഡിസ്ട്രിക്ട് കോടതിയിൽ ഉള്ളതിൽ, നാൽപ്പത്തിമൂന്നു മാത്രമേ അവിടെ പതിച്ചിട്ടുള്ളൂ.

MR. KAINIKKARA M. PADMANABHA PILLAI : മൂവാറ്റുപുഴയിൽ ഒരു കെട്ടിടം പണിയിക്കേണ്ടിവരുമല്ലോ എന്നുള്ള സങ്കടം കൊണ്ടാണോ?

MR. A. K. KUMARAN VAIDYAN : അതേ. അതിനു വളരെ ചെലവുണ്ടു്.

MR. KAINIKKARA M. PADMANABHA PILLAI : കെട്ടിടം മൂവാറ്റുപുഴതാലൂക്കുകാർ പണിയിച്ചുകൊള്ളാമെന്നു പറഞ്ഞാലോ?

MR. A. K. KUMARAN VAIDYAN : എങ്കിൽ എനിക്കു വിരോധമില്ല. കെട്ടിടം പറവൂരത്തേതുപോലെ ഉണ്ടാക്കുവാൻ വളരെ വിഷമമുണ്ടു്.

MR. K. R. NARAYANAN : പറവൂർ ജില്ലാക്കോടതി ലേലം ചെയ്തു കിട്ടുന്ന പണംകൂടി മൂവാറ്റുപുഴയിലെ ജില്ലാക്കോടതിക്കു ചിലവാക്കരുതോ?

MR. A. K. KUMARAN VAIDYAN : അതിന്റെ ആവശ്യമില്ല. അവിടെ വാടകയ്ക്കു് കെട്ടിടങ്ങളെടുത്തു് വേറെ ആഫീസുകൾ നടത്തുന്നുണ്ടു്. ആ ആഫീസുകൾ ആ കെട്ടിടത്തിലിട്ടാൽ മതി.

സർ, ഇന്നത്തെ നിലയ്ക്കു് പറവൂർ ജില്ലാക്കോടതി അവിടെനിന്നും മാറിയാൽ പറവൂർതാലൂക്കിന്റെ മാഹാത്മ്യം അസ്തമിക്കും. ചില മെംബറന്മാർ ഞാൻ ഈ ഉപക്ഷേപത്തെ ശക്തിയായി എതിക്കുമെന്നു പറഞ്ഞു. എന്റെ താലൂക്കിനെ പ്രതിനിധീകരിക്കുന്ന മറ്റാളുകൾ പറവൂരിൽ താമസിക്കുന്നതുകൊണ്ടാണു് ഇതിനെ എതിക്കാത്തതു്. ഓരോ മെംബറും അവർ താമസിക്കുന്ന താലൂക്കിലെ കാര്യങ്ങളാണു് ഇവിടെ പറയുന്നതു്. ഓരോരുത്തരേയും തിരഞ്ഞെടുത്തയയ്ക്കുന്ന സന്ദർഭം വരുമ്പോൾ "നിങ്ങൾക്കു പലതും ചെയ്തുതരാം" എന്നുള്ള വാഗ്ദാനം ഉംഗിയായി നടത്തുമെന്നുണ്ടെങ്കിലും അത്തരം വാഗ്ദാനങ്ങളനുസരിച്ചു് ഇപ്പോൾ പെരുമാറുന്നില്ലെന്നു വ്യസനസമേതം പറയേണ്ടിയിരിക്കുന്നു.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. K. Kumaran Vaidyan.]

അതുകൊണ്ടു പത്തോ നാൽപ്പതോ കേസുമാത്രം പതിയാറുള്ള താലൂക്കുകളിലേക്ക് ഈ കോടതി മാറ്റാണ്ട കാര്യമില്ല. ഒരു കാര്യം കൂടി പറയാം. പറവൂർ ജില്ലാക്കോടതിയിൽ എനിക്ക് ധാരാളം കേസുകൾ ഉണ്ടായിട്ടാണ് ഞാൻ ഇതു പറയുന്നതെന്നു മെംബറന്മാർ അതും വിചാരിക്കരുതു്. ഞാൻ വാദിയായും പ്രതിയായും ഒരുകേസും ഇല്ലെന്നു കൂടി പ്രസ്താവിച്ചുകൊള്ളുന്നു.

MR. DOMINIC JOSEPH : ബഹുമാനപ്പെട്ട മെംബർ കക്ഷിയായി ഒരു കേസു നടക്കുന്നു എന്നു . മുമ്പൊരിക്കൽ പറഞ്ഞുവല്ലോ?

MR. A. K. KUMARAN VAIDYAN : ആ കേസ് ഹൈക്കോടതിയിലാണ് നടക്കുന്നതു്.

MR. P. KUNJUKRISHNAN : പറവൂർ ഡിസ്ട്രിക്ട് കോടതി മാറ്റിയാൽ പറവൂരിന്റെ മാഹാത്മ്യം പോകുമെന്നു മെംബർ പറഞ്ഞുവല്ലോ. കൊല്ലം ഡിവിഷൻകച്ചേരി മാവേലിക്കരയ്ക്കു മാറ്റിയാൽ കൊല്ലത്തിനുള്ള മാഹാത്മ്യവും പൊയ്പോകയില്ലേ?

MR. A. K. KUMARAN VAIDYAN : കൊല്ലത്തു മറ്റുകോടതികളും മറ്റുമുണ്ടു്. അവിടെ താമസിക്കുന്ന വക്കീലന്മാർക്ക് അതുകൊണ്ടു് കേസു കിട്ടാൻ പ്രയാസമില്ല. മാവേലിക്കരയിലുള്ള വക്കീം കുറെ കേസു കിട്ടിക്കൊള്ളട്ടെ എന്ന വിചാരംകൊണ്ടായിരിക്കും അന്നു് ആ വാദം കൊണ്ടുവന്നതു്.

MR. M. R. NARAYANA PILLAI : തൊടുപുഴക്കാർക്കും മറ്റും പറവൂരു പോകുന്നതിനേക്കാൾ സൗകര്യം മൂവാറ്റുപുഴെ പോകുന്നതല്ലേ?

MR. A. K. KUMARAN VAIDYAN : അങ്ങനെ നോക്കുമ്പോൾ തിരുവനന്തപുരത്തു കിടക്കുന്ന ഹൈക്കോടതി കോട്ടയത്തേക്കു മാറ്റണമെന്നു പറയേണ്ടിവരും. അതുകൊണ്ടു് ബഹുമാനപ്പെട്ട ഗവണ്മെൻറ് ഈ കോടതി ഇതിനു മുൻപു് ഒരിക്കൽ മാറ്റുന്നതിനെക്കുറിച്ചു് അന്വേഷിച്ചതിൽ മാറ്റരുതു് എന്നു് തീർച്ചപ്പെടുത്തിട്ടുള്ളതുമാകുന്നു. അതുകൊണ്ടാണ് ഞാൻ വീണ്ടും ഗവണ്മെണ്ടിന്റെ ശ്രദ്ധ ഇതിൽ പതിഞ്ഞു് പറവൂർതാലൂക്കു് നിവാസികളുടെ അഭിപ്രായത്തെ ആദരിക്കണമെന്നു് അപേക്ഷിച്ചുകൊണ്ടു് ഈ ഉപക്ഷേപത്തെ ശക്തിയുക്തം എതിർക്കുന്നതു്.

MR. JOSEPH VITHAYATHIL : Sir, I oppose the motion to shift the Parur District Court to Muvattupuzha. This subject has been discussed in the Assembly on a prior occasion. I understand that the matter has been thoroughly enquired into by the Honourable High Court and that

LIBRARY ARCHIVES Kerala Legislative Assembly

they have come to the conclusion that it is not advisable to shift the Court from Parur. The reasons are many. There are many practical difficulties in shifting the court to another place. My friend Mr. Abraham was of the view that he is in favour of shifting the court only if it is shifted to Muvattupuzha and not to any other place. Evidently local patriotism and considerations of personal convenience have weighed with the honourable member in making this suggestion. If that is the case, I may be excused for having my own considerations for Parur.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I have to oppose the motion. This matter was discussed on the floor of the House on several occasions, several interpellations were put and answered and as stated by an honourable member, the question was considered by the Honourable High Court. In all these matters, Government have to go by the advice offered by the High Court, and it is not their opinion that as at present advised, it is proper to shift the court from Parur to any other place. The disadvantages arising from such a shift would counterbalance the expected advantages. The court was in existence in Parur for a very long time. From the total number of cases annually filed in that Court, we cannot say that the litigant public are put to any great inconvenience. The Laws Delays Commissioner has reported that the average annual number of original suits is 35 and appeals 312. Mr. Joseph Vithayathil has just now stated that the pendency in that court is at present between 30 and 40. This certainly does not justify a shift to a more convenient place.

Muvattupuzha is a rapidly developing town. That is conceded. But if Muvattupuzha was as important as Parur in olden days, probably Muvattupuzha would have had a chance for a District Court and we would have found the Parur District Court at Muvattupuzha. It is only recently, by the construction of roads and the linking up of Muvattupuzha with Alwaye, Devicolam and Munnar that the place has assumed some importance.

MR. KOTTALIL P. ABRAHAM: May I know whether a District Court was not recently taken away from Quilon?

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the question is put whether a court was not taken away from Quilon. It is not a case of taking away one court bodily from one place and putting it in another place. There were 4 courts in Quilon. It was thought that one might be shifted from Quilon. That is not the case with Parur. There is only one court at Parur and that was established several years ago when probably no one would have liked to have a court at Muvattupuzha. So inaccessable was Muvattupuzha then. A time may come when Muvattupuzha can have a separate District Court. But at present I very much regret to say that it will not be possible to shift the court from Parur.

MR. P. V. MATHAI CHEMPARATHY: Sir, I beg to withdraw the motion.

The motion was, by leave, withdrawn.

LIBRARY ARCHIVES Kerala Legislative Assembly

Motion No. 19.

MR. N. NARAYANA KURUP : Sir, I beg to move to reduce the total allotment of Rs. 10,65,073 under Demand XIV by Rs. 10 to speak of the scarcity of accommodation for the staff in the Alleppey Principal Munsiff's Court. Before the establishment of the Additional Third bench at Alleppey, a section of the staff of the Principal Munsiff's Court was housed in the building where the Additional Third Bench is now housed. Now a section of the staff has been shifted to the court house and there is no space in the court house for the advocates and clients to move about. Even the light and wind are obstructed in the room where the officer sits and trys the cases. The examiner section is now housed in a verandah which is 15 feet in length and 3 feet in breadth. A table cannot be placed there crosswise and there is no space in the building to accommodate the staff of the Principal Munsiff's Court. I beg to submit that this is an institution which brings in a large surplus to the Government after meeting the expenses of establishment. There is no reason to grudge spending to provide additional accommodation for the clerks and the examiners in that court. So I request the Government to consider this question and to make sufficient provision for the additional accommodation in the Principal Munsiff Court at Alleppey.

MR. PUTHUPALLI S. KRISHNA PILLAI : The matter will be looked into. The High Court will be addressed in this matter and everything that is possible will be done.

MR. N. NARAYANA KURUP : Sir, I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Motion No. 20.

MR. N. NARAYANA KURUP : Sir I beg to move to reduce the total allotment of Rs. 10,65,073 under Demand XIV by Rs. 10 to speak about the appointments of salary peons to Judicial Officers.

PRESIDENT : Who are the salary peons ?

MR. N. NARAYANA KURUP : Salary peons are peons attached to the Judicial Officers in their houses.

PRESIDENT : The question is raised as to their appointments ?

MR. N. NARAYANA KURUP : No-Sir ; It is about the choice of the salary peons by the officers. The ordinary work of the salary peons of the Judicial Officers, as I understand, is to attend on them in their houses. Occasion may arise when the salary peons will have to go into the room or rooms of the house of the officer. A Hindu officer may not like a non Hindu enter to his house.

MR. T. C. KESAVA PILLAI : മെമ്പർ പറഞ്ഞതു് എന്താണെന്നു മലയാളത്തിൽ പറയാമോ?

MR. N. NARAYANA KURUP : ശമ്പളശിപായി എന്നപറയും.

I think it is necessary to allow the Judicial Officers to have their own choice in the selection of the peons. I understand that the Judicial officers are now forced to take salary peons according to the advice of the immediate superiors. A Hindu officer may not be inclined to take a Muhammadan peon to attend in his house. I think it is reasonable to allow the Judicial Officers to have their own choice in the matter;

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know what suggestion the member has to make?

MR. N. NARAYANA KURUP: If some allowance is given to the Judicial Officers they can appoint their own peons and the Government will save a large amount.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : Is it the Member's opinion that there need not be any permanent staff of salary peons?

MR. N. NARAYANA KURUP : Yes. It will cut down the cost of expenditure. That is my opinion.

MR. P. S. MUHAMED : സർ, ഞാൻ ഈ മോഷനെ എതിർക്കുന്നു. ഉദ്യോഗസ്ഥന്മാർക്ക് അരിവയ്ക്കുന്നതിനും കറിവയ്ക്കുന്നതിനും മറ്റുമായിട്ട് പബ്ലിക്ക് ഫണ്ടു ചെലവുവെയ്ക്ക് പ്യൂൺമാരെ നിയമിച്ചുകൊടുക്കണമെന്നു പറയുന്ന അഭിപ്രായത്തോട് ഞാൻ യോജിക്കുന്നില്ല. എന്തെന്നാൽ ഇരുനൂറും, മുന്നൂറും രൂപാ ശമ്പളമുള്ള മുൻസിഫന്മാർക്കും മറ്റും അരിവയ്ക്കുന്നതിനായിട്ട പ്യൂൺമാരെ ഗവർമെൻറിൽനിന്നും നിയമിച്ചു കൊടുക്കണമെന്നു പറയുന്നതിന്റെ കാരണം എന്താണെന്നു മനസ്സിലാകുന്നില്ല. ഉത്തരവാദിത്വമുള്ള ഒരു ഉദ്യോഗസ്ഥന്റെ ഔദ്യോഗികമായ ജോലികൾക്കല്ലാതെ അരിവയ്ക്കുന്നതിനും കുഞ്ഞുങ്ങളെ എടുക്കുന്നതിനും മറ്റുംപ്യൂൺമാരെഅനുവദിക്കുന്നതിന് ഈ സഭസമ്മതിക്കുന്നതു ശരിയല്ല. എന്നാൽ ഈ മാതിരി ഉദ്യോഗങ്ങൾക്കു സ്ക്രൂഫൈനൽ പരീക്ഷ പാസായിട്ടുള്ള ഏതു ജാതിയിലുള്ള ആളുകളും വരാൻ തയാറാണ്. ഏതു ജാതിയിലുള്ള ആളുകൾക്കായിരുന്നാലും ഇമ്മാതിരി ജോലികൾ ചെയ്യുവുന്നതാണ്. അല്ലാതെ അതിനുവേണ്ടിട്ട് മാത്രം ഓരോ ഉദ്യോഗസ്ഥനും പ്രത്യേകനിയമനാധികാരങ്ങൾ കൊടുത്തു അരിവയ്ക്കുന്നതിനും കറിവയ്ക്കുന്നതിനുമായി ആളുകളെ നിയമിക്കണമെന്നുള്ള അഭിപ്രായത്തെ ഞാൻ എതിർക്കുന്നു.

MR. M. L. JANARDANAN PILLAI : ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിലല്ലാതെ വേറെ വല്ല ഡിപ്പാർട്ടുമെൻറിലും ഇപ്രകാരം നടക്കുന്നുണ്ടോ?

MR. P. S. MUHAMED : ചിലതിലെല്ലാം നടപ്പുണ്ട്.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir I regret that such a motion has come up for discussion in this House. I fear, I myself am unable to accept the principle of the motion. As has been rightly pointed out by Mr. P. S. Muhamed, peons who are paid out of the public funds are not intended for catering to the family conveniences of the judicial officers. Peons are given for serving the officers in their public capacity even when they are at home. For instance, bringing to and taking from the judicial officer's houses papers, official seals and boxes, or announcing visitors to the officer concerned, or scaring away

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthupalli S. Krishna Pillai.]

visitors, these are matters which could be attended to by a Mohammedan peon in a Nair Judge's house or by an Ezhava peon in a Brahmin judge's house. Government do not think that these peons are employed or intended to be employed to fetch water for household purposes or to cook in the kitchen or to attend to any other domestic work.

MR. M. SIVATHANU PILLAI: May I know whether the honourable member is aware that the peons appointed for the purpose refuse to obey when they are asked to cook or take children to schools or some other places?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not a question of refusal. Suppose a person volunteers to do domestic work. Then, should he not be allowed to do that?

PRESIDENT: But the only thing is that the word voluntary should be in inverted comas.

MR. PUTHUPALLI S. KRISHNA PILLAI: Apart from that, Sir, the peon caters to the conveniences of the officer and not of the individual. That I understand, is the point involved in the appointment of personal peons. The honourable member said that the choice must be left to the officer concerned. There can be no choice in these matters.

MR. N. NARAYANA KURUP: Sir, the arguments advanced by the Legal Remembrancer are not convincing. But he conceded that one of the items of work of these salary peons is to intimate to the officers the presence of the visitors. Suppose an officer is in his office room in his house and he is a Brahmin or Kshatriya. The inmates of the house may not like the intrusion of a non-hindu into the house. There is no harm if the officer also gives weight to his religious sentiments in his house. No law prohibits him from adhering to his religious feelings or sentiments in his house. In such cases, if a non-Hindu salary peon is forced upon him to attend on him in his house, it will be uncomfortable. The choice of selection should be given to the officers.

MR. PUTHUPALLI S. KRISHNA PILLAI: The peons are expected to wait on them when they are engaged in office work.

MR. N. NARARAYANA KURUP: But the officer may not be sitting in the veranda and doing office work. He may be doing office work in one of the rooms inside the house. It is then the difficulty arises.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know what the officer would do if the visitor himself is a respectable Mohamedan?

MR. N. NARAYANA KURUP: If intimated the officer will come out, give a salaam and offer him a seat. Therefore, Sir, the Legal Remembrancer's arguments are not convincing. So long as the religious sentiments of the officers are to be respected, they must be given the choice to select their salary peons.

PRESIDENT: Before this matter is allowed to be withdrawn I wish to say something. One of the first things that I noticed when I

LIBRARY ARCHIVES Kerala Legislative Assembly

came to the State was the very large number of peons that surrounded Bhaktivilas and most other officers in the State. I have deliberately not taken any action because of the economic situation and the distress in the country. As soon as conditions are reduced to their normality, I think the policy of Government would be to lessen the number of peons to about a fourth or third of the present number. For instance, with a fourth of the number that exists in Bhaktivilas I should be very happy. At present, there is hardly space for visitors to wait in the house because there is such a large number of peons there; some, of course, on legitimate work and some eagerly waiting near the cars. (*Laughter.*) The number of peons seems some how to be connected with the prestige of the officer here. The only place worse than Travancore in this respect is perhaps Simla. I had an overwhelming number of peons when I was a member of the Council there having hardly any room in the house. The whole trouble is that apparently it was considered a matter of diginity for an officer to have a certain number of people both in the house and in the office. Under ideal conditions no more than one or two will be necessary for the actual transaction of the public business within the house. The rest should be entertained in the office for necessary work not for show. Only those peons should be entertained who have definite work assigned to them in the offiice. Personal peons must be only one or two in number and this ought to be irrespective of the standing or status or rank or importance of the officer. That reform Government have not taken up for the deliberate reason that such a large number of people have somehow or other found means of occupation and of employment and it would be making the evil much worse if they are all disbanded at this moment. Government, during the time of the economic distress, do not propose to change the present system. Personal peons should be as few in number as possible and they should be more or less uniform in number, whatever the status, or rank, or importance of the officer. Sooner or later this reform must be brought about. If this decision is arrived at, then this policy of having menial or domestic servants as peons will also be gradually eradicated. We are perhaps following a very ancient tradition. I knew a time when every morning, both in Baroda and in Travancore, rice and vegetables were sent. All these things are part of a traditional usage which can only be slowly eradicated. But, sooner or later, the whole question will have to be raised.

MR. N. NARAYANA KURUP: Sir, I do not press the motion.

The motion was by leave withdrawn.

Motion No. 21.

The following motion was not moved :—

MR. N. NARAYANA KURUP :

To reduce the total allotment of Rs. 10,65,073 under Demand XIV by Rs. 10.

Motion No. 22.

MR. N. NARAYANA KURUP: Sir, I beg to move for a reduction of Rs. 10 from the total allotment of Rs. 10,65,073 under Demand XIV. The object of my motion is to bring to the notice of this House and

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Narayana Kurup.]

the Government that there is a very large number of original petitions and other petitions for the reduction of decree amounts under the Act II of 1116 in almost all the civil courts in the State and that for the speedy disposal of these petitions which have accumulated in the civil courts, some additional temporary Munsiffs Courts should be established in the State. Sir, there must be at least 2,000 original petitions and an equal number of other petitions for the reduction of decree amounts, under the Act II of 116 in every Munsiffs Court. But along with the ordinary works of the civil courts this will be an additional burden for the courts, and the Officers may not be in a position to dispose of them at an early date. Therefore, I am of opinion that an Additional Temporary Munsiffs Courts each, for each District Court centre may be established for the speedy disposal of the petitions under the Debt Relief Act. With these words I commend the motion for the acceptance of the House.

MR. G VELU PILLAI: Sir, I understand that there are at present nearly 60,000 petitions filed in the civil courts under the Debt Relief Act. This is more than the total number of original suits and appeals filed in the State in any one of the previous years, in 1114, 1115 or 1116. In 1115 only 54,950 cases were instituted in all and in 1114, 56,590 cases were filed. Sir, besides these 60,000 petitions, there are regular suits and appeals also filed in the various courts. I know, Sir, that some of these petitions can easily be disposed of. But there are others which take as much time as the original suits themselves. It is the policy of Government to prevent Laws Delays as much as possible. I wonder, that being the case, how Government found it possible to abolish two Temporary courts at present. Sir, on the other hand if a sufficient number of Munisiffs aud Judges are appointed to cope with the increasing number of petitions, I think Laws Delays will be prevented to a great extent. As in the case of the Conciliation Officers when Government find it necessary to abolish these posts, they can do so. But, as it is, my submission is that the appointment of a certain number of Judges and Munsiffs is an absolute necessity.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, if the honourable member who moved the motion was informed about the actual file that we have in 1116 I doubt very much whether he would have tabled a motion like this. It was stated by the honourable member Mr. Velu Pillai that the number of cases filed on the original side in the civil courts in 1114 and 1115 exceeded 56,000. The number of cases that have been filed in 1116 comes to 31,419 till the last day of Edavom and taking about 4,000 cases on an average for each of the two remaining months, Mithunom and Karkadagom, we might expect to have 39,000 suits filed in civil courts as compared with the 56,000 in 1114. We find a phenomenal fall in the number of suits that we have on the file in 1116, *i. e.* about 20,000 original suits less. The petitions filed under Act II of 1116 are no doubt many, because the number of such applications exceeds 40,000. It is not 60,000 as was mentioned by the honourable member but it is 40,000 and odd. It will be remembered

LIBRARY ARCHIVES Kerala Legislative Assembly

that a good many of these are applications filed on the executive side, although they are filed under Act II of 1116.

MR. P. SIVARAMA PILLAI: May I know the approximate percentage of the original petitions?

MR. PUTHUPALLI S. KRISHNA PILLAI: That figure has not been separately called for, because the question itself was not directed to it. Altogether 40,000 petitions have been filed, and, as honourable members know, about 2 lakhs of rupees have been deposited in courts. These mostly relate to matters on the executive or administrative side and it will be found that in the disposal of these matters there will not be much for the courts to decide. So far as decrees are concerned, on the execution side various notices may have to be ordered.

MR. KOTTALIL P. ABRAHAM: May I know the number of such applications filed under Section 16 of Act II of 1116?

MR. PUTHUPALLI S. KRISHNA PILLAI: Their number is very very limited. They are applications which correspond to the applications under the Insolvency Act and while reducing congestion in the District Courts it may give probably some additional work to the Munsiffs. But the number of such applications filed under section 16 is rather not large.

MR. K. KUNJU PANICKAR: May I know whether the honourable member is aware that even petitions filed on the executive side are objected to and that several of them are posted for evidence?

MR. PUTHUPALLI S. KRISHNA PILLAI: That may be. Of course there is a tendency on the part of every creditor to deprive the debtor of the benefits of the Act. They are not matters which will take any special time of the court. As at present advised, there is a steep fall in the number of suits filed in the courts. At the same time it cannot be said that Act II of 1116 has in any way added to the amount of work which the courts have been turning out before the Act came into force Till now only 40,000 petitions have come in and it is not likely that any more petitions will come. These petitions will be disposed of by all the civil courts, the Munsiffs, District Judges and Second Judges. Ofcourse if Government find that the disposal of these petitions involves additional work and that more officers have to be appointed, Government will be only too glad to make the appointments, because, as honourable members know, it is the accepted policy of Government that the administration of justice should be speeded up.

MR. KOTTALIL P. ABRAHAM: May I know whether the honourable member is able to say whether the petitions that have been filed are steadily disposed of?

MR. PUTHUPALLI S. KRISHNA PILLAI: If the honourable member has been reading the T. L. T. and T. L. J. he will know that many of them are disposed of and that appeals have been preferred and final decisions have been given by the High Court. The High Court have given decision on several of the important controversial points. It means that those controversies have been settled. There are various cases in which

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthupalli S. Krishna Pillai.]

there may not be any controversy at all. For instance a person deposits a certain amount as first instalment and says that notice may be issued to the other party. Suppose the decree holder takes his own time to take the money. The case remains undisposed of till the amount is taken by him or till the court passed an order that the amount is deposited and the petition is recorded.

Government will of course call for reports about the working of this Act. As a matter of fact they are getting fortnightly statements and if Government are satisfied that the operation of the Act involves more work and that the additional work cannot be disposed of except by the appointment of additional judicial officers, Government will gladly appoint them. And I can certainly undertake that Government will not fail to discharge that part of their duty. Government, as at present advised, think that there is no immediate necessity for any additional appointment. But if during the course of the year it is found necessary, they will certainly make the necessary appointments.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether there is any proposal for reducing the number of Judges?

MR. PUTHUPALLI S. KRISHNA PILLAI: There is no proposal to reduce the number of Judges excepting the number already mentioned in the budget for the next year.

MR. N. NARAYANA KURUP: I doubt whether the Legal Remembrancer is correct when he says that the total number of petitions put in under this Act will be not more than 40,000.

MR. PUTHUPALLI S. KRISHNA PILLAI: I said slightly more than 40,000.

MR. N. NARAYANA KURUP: The original petitions themselves will come to more than 40,000 and the petitions on the execution side will be more than a lakh.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, these petitions on the execution side may relate to debts which do not come under Act II of 1116.

MR. N. NARAYANA KURUP: Sir, the number relates to original petitions under Act II of 1116. But there are other petitions on the execution side under Act II of 1116 which also come to more than one lakh.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether he is aware that a special register is maintained in all the courts for registering the cases?

PRESIDENT; Order, order. What is the difficulty? If we find that the work is such that it is overwhelming, other Judges will be appointed. If at any time Government find that the present judiciary cannot cope with their work they would increase the number. They would have no hesitation to do so.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. N. NARAYANA KURUP : I am glad, Sir. But I do not agree with the assertion of the learned Legal Remebrancer that the judicial officers now in the department can dispose of all these petitions, expeditiously. That opinion reminds me of the old story of the disposal of cases by a judicial officer who disposed of all the petitions or cases after arranging them in two almirahs, and dismissing all in one of them and allowing all, in the other.

PRESIDENT : That was stated of an executive officer and not of a Judicial officer.

MR. N. NARAYANA KURUP : Yes, Sir. In view of the answer given by the President that the Government will have no hesitation in appointing more judicial officers when necessity arises, I do not press the motion.

The motion was, by leave of the House, withdrawn.

Motions Nos. 23 and 24

The following motions were not moved :—

MR. A. K. KUMARAN VAIDYAN :

23. To reduce the total allotment of Rs. 10,65,073 under Demand XIV by Re. 1.

MR. A. K. KUMARAN VAIDYAN :

24. To reduce the total allotment of Rs. 10,65,073 under Demand XIV by Re. 1.

PRESIDENT : The question before the House is that Government be granted a sum of Rs. 10,65,073 under Demand XIV—Administration of Justice

The Demand was passed and the grant was made.

DEMAND XV—JAILS.

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : Sir, I rise to move for a grant of Rs. 1,15,197 under Demand XV—Jails.

Motion No. 1.

The following motion was not moved —

MR. K. G. GOVINDAN :

1. To reduce the allotment of Rs. 3,000 for Superintendent by Re. 1

Motion No. 2.

MR. K. NARAYANAPERUMAL NADAR : Sir, I move—

To reduce the allotment of Rs. 93,673 for Central Prison

to speak of better treatment of political prisoners. Sir, when it is a political offence it is an offence for no moral turpitude because it is not an offence committed for personal gain. Suppose a man commits theft, it is an offence committed for his own gain. So in all civilised countries and in India they have made a difference between political offences and other crimes. If you read the newspapers about punishments for political offences you will see that so and so is given A class or B class. But unfortunately in our State these political prisoners are treated as ordinary class of prisoners.

About two or three years ago I put the question to the Chief Secretary to Government who said that one Mr. A. Narayana Pillai was treated as an ordinary class of prisoner. These political

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Narayanaperumal Nadar.]

prisoners are treated very badly. Moreover they are put, in ordinary lockups. For instance one Mr. Sankar B. A., B. L., was put in the Aramboly lock-up and then transferred to the Kottar lock-up. But the best way is to release him, not confine him in Kottar, so that he could maintain his wife and children. That is the method adopted in British India.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether Mr. Sankar is a married man?

MR. K. NARAYANAPERUMAL NADAR: I do not know.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Then how can Mr. Sankar have wife and children?

MR. K NARAYANAPERUMAL NADAR: One Mr. Nataraja Pillai made utterance in British India and shouted anti-war-slogans.

MR. PUTHUPALLI S. KRISHNA PILLAI Sir, these statements are irrelevant. These people are detenues and not prisoners.

PRESIDENT: The motion is for the better treatment of political prisoners. They are not prisoners but detenues under the Criminal Law Amendment Act.

MR. K. NARAYANAPERUMAL NADAR: Sir, the prisoners deserve better treatment in the matter of clothing, and food. The prisons are insanitary. It is only to point out these things that I have moved the motion.

MR. KANNANTHODATH JANARDANAN NAIR: Sir, I support the motion. With the advent of Indian nationalism and its effects on the social, economical and political life and activities of the people, jail going has been very much popularised. The surge of nationalism and the yearning to get independance sent a thrilling wave of enthusiam throughout the length and breadth of the country resulting in an upheaval and the internment of the most intelligent, influential and worthy sons of the soil. We too had our due share. When these people are interned in British India or are sent to jail, there exists a classification, A, B and C. They are classed according to the position they occupy in the land, the respectability they command and the nature of life led by them. Thus in every jail in British India they are provided, according to their classification, with newspapers, books, writing materials and every other facilities they desire and deserve to have. For what crimes are they sent to jail? They are not sent to jail for any heinous crime attended by any moral degradation. They are sent to jail for holding certain opinion or political activities. The only offence they have committed is that they were not cowards to hold the opinion to themselves and thus escape the consequences otherwise apt to fall upon them. For those who held the same opinion and did not give it public utterance escaped the predicament. Jails are ordinarily intended to be reformatories. I don,t think that any state will deny that claim. But in actual practice the prisoners sent to jail do not get reformed any way, nor do the state take particular care to make them s.. Thus the internment has almost without exception gone only to harden up the criminal tendencies of the internees.

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The utmost harm that can be done to the State, to the people and to humanity is that these jails tend to make them a criminal class. When these political prisoners are also sent to this jail along with ordinary convicts they are treated like other prisoners, as ordinary convicts, and they are not given any facilities. The result is a kind of mental degradation in some cases and the hardening up of the feeling of criminal tendencies in others by constant association with habitual hardened criminals. Educated hardened criminals will be a menace to society. I do not think, therefore, the State can encourage the keeping of political prisoners along with other prisoners even in the interests of the State. My object in supporting the motion is that when political prisoners are sent to jail for holding social or political opinions they should be given different classification as their comrades are given in British India, for what is considered as a unwholesome opinion to-day may be otherwise tomorrow. That is what world history teaches us too. As such, to punish a man for a certain opinion is itself wrong in principle. When the State thinks it fit to do so why not give them some special consideration at least. With these words I support the motion.

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: Sir, no question of nationalism or politics arises in the State. This is a question of following the law, the Criminal Procedure Code, the Penal Code and the Jail Rules. If a man is punished it will be, under the Penal Code or under any special law. After sentence, the Jail Rules will be applied. And no difference is shown between man and man.

MR. KANNANTHODATH JANARDANAN NAIR: May I know whether there is no difference between a sentence for culpable homicide and one for political offence?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: Yes, the penal law recognises some difference. It recognises *mens rea*. But with reference to Jail Rules there is no difference. The only question is whether a man is sentenced to simple imprisonment or rigorous imprisonment. The man sentenced to simple imprisonment is entitled to certain privileges which a man sentenced to rigorous imprisonment is not.

MR. KANNANTHODATH JANARDANAN NAIR: When a person is convicted for a political offence, does that involve moral turpitude?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: I do not understand what my friend means by political offence. If he means an offence punishable for sedition, I think that offence against the State is as heinous as any other offence.

MR. K. KUNJU PANICKAR: May I know whether the present so-called political prisoners in Travancore are not only detenues under the Defence of Travancore Act?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: I do not understand what the honourable member means by political prisoners. If he refers to detenues, this Demand does not apply to them. If my friend refers to political prisoners convicted for sedition, I think the total number does not exceed four or five.

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